

KOOTZ/T

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

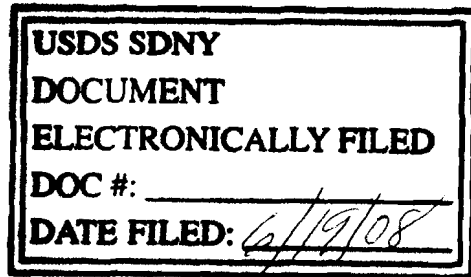
ITALIANA COKE, S.R.L.,

Plaintiff,

v.

UNITED COAL COMPANY, LLC,

Defendant.



Case No. 08 CV 4725 (JGK)

ECF Case

STIPULATION AND PROPOSED ORDER

Defendant United Coal Company, LLC ("United Coal"), by its attorneys, together with Plaintiff Italiana Coke, S.r.l. ("Italiana Coke"), by its attorneys, hereby stipulate and agree that the time for United Coal to move, answer or otherwise respond to Italiana Coke's Complaint in the above-captioned matter, filed on May 20, 2008, is extended to and including July 1, 2008. In support of this Stipulation and Proposed Order, the parties state as follows:

1. The current date due for United Coal to move, answer or otherwise respond to Italiana Coke's Complaint is June 16, 2008.
2. In order to allow the parties time to pursue a potential settlement of this matter, and to save the resources of the Court, United Coal and Italiana Coke hereby stipulate, agree and jointly request that the Court extend the due date for United Coal to move, answer or otherwise respond to the Complaint for approximately two (2) weeks, until July 1, 2008.
3. There is a concurrently pending action in the Eastern District of Virginia, Norfolk Division, involving the same parties and similar disputed issues where United Coal is the plaintiff and Italiana Coke is the defendant, which was filed on May 7, 2008 (*United Coal Company, LLC v. Italiana Coke, s.p.a.*, Case No. 2:08cv212). The current date for Italiana Coke

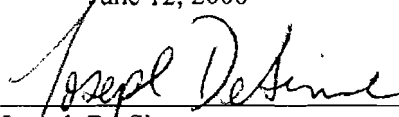
to move, answer or otherwise respond to United Coal's complaint in the Eastern District of Virginia is also June 16, 2008 ("Response Date"). Contemporaneously with the filing of this Stipulation and Proposed Order, the parties are also jointly seeking an extension of Italiana Coke's Response Date in the concurrent action in the Eastern District of Virginia, Norfolk Division, also until and including July 1, 2008.

4. No previous request for an extension has been made in this case or in the concurrently pending case in the Eastern District of Virginia.

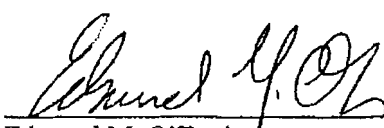
5. The filing of this Stipulation does not constitute a general appearance by Defendant in this action, and is without prejudice to any defenses or arguments Defendant may raise in this action. Defendant expressly reserves and does not waive any defenses or other rights with respect to this action, including, but not limited to, the right to contest service of process, personal jurisdiction and venue.

WHEREFORE, for the foregoing reasons, the parties jointly and respectfully request that the Court enter an order extending the date for United Coal to move, answer or otherwise respond to Italiana Coke's Complaint until July 1, 2008.


Dated: New York, New York
June 12, 2008



Joseph De Simone
Leslie E. Chebli
MAYER BROWN LLP
1675 Broadway
New York, New York 10019
(212) 506-2500
Counsel for Plaintiff



Edmund M. O'Toole
Michael C. Hartmere
VENABLE LLP
Rockefeller Center
1270 Avenue of the Americas
The Twenty-Fifth Floor
New York, New York 10020
(212) 307-5500
FAX: (212) 307-5598
Counsel for Defendant

SO ordered.

6/18/08 *u.s.d.s.*